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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/631,881

07/31/2003

Wai Kai Wong

9046/20

1813

757

7590

12/28/2005

BRINKS HOFER GILSON & LIONE

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EXAMINER

LEE, GUIYOUNG

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/631,881

Applicant(s)

WONG ET AL.

Examiner

Guiyoung Lee

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 27-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 and 27-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prelim./Amdt.

1. Receipt is acknowledged of the amendment filed 09/21/2005.
2. Claim 26 is cancelled and claims 1-25 and 27-44 are pending.
3. In light of the amendment to the claims and applicant's arguments, the rejection under 35 USC 112, second paragraph, is withdrawn.

Response to Arguments

4. Applicant's arguments filed 9/21/2005 have been fully considered but they are not persuasive. In response to applicant's argument that there is insufficient motivation to combine the references, Examiner does not agree with Applicant's position. Examiner must interpret the claimed limitation as broadly as possible, and Roy teaches "the plurality of LEDs are strobed or switched on and off through a set of random fashion such that the plurality of LEDs display a two-dimensional graphic image when the footwear is moved through a step. Then, he teaches that the control calculates the velocity of the step to determine the rate (Abstract). Therefore, Roy is suggesting motivation to combine with the reference to Yeung.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 7-11, 13-15, 17-25, and 27-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roy in view of Yeung (US 6,776,498 B2).

7. Re claims 1-5, 7-8, 10-11, 13-15, 17-25, 27-39, and 41-44: Roy discloses the claimed flashing light system on a foot wear and the method of displaying a message by the flashing light system comprising a controller (16 in Fig. 7); a battery power source (20) connected to the controller; an inertia or motion switch (22 and col. 3, lines 16-18) connected to at least one of the power source and the controller; a first plurality of LEDS (15 of the alphanumeric "H" in Fig. 4B) connected to the controller, wherein the switch and the controller activate the first plurality of LEDS to display an alphanumeric character by flashing the LEDS in a sequence (col. 2, lines 55-65); and a second plurality of LEDS (15 of the alphanumeric "I" in Fig. 4B) connected to the controller, wherein the switch and the controller activate the second plurality of LEDS to display at least one pattern. Roy does not disclose the switch operating at a high or low frequency. However, Yeung teaches a switch operating at the threshold speed or operation frequency of the switch (col. 7, lines 60++). It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute Yeung's switch with Roy's switch in order to open or close the switch according to the speed of a wearer of lighted footwear.

8. Re claims 9 and 40: Yeung discloses a controller having at least two NAND circuits (See Fig. 2)

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roy as applied to claim 1 above, and further in view of Raskas et al. (US 5,615,111).

Re claim 6: Roy does not disclose that the controller is a CMOS controller. However, Raskas teaches the CMOS controller (col. 3, line 33). It would have been obvious to one having ordinary skill in the art at the time of the invention to substitute Raskas' CMOS controller with Roy's controller in order to various functions of the flashing light system.

10. Claims 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roy as applied to claims 1 and 24 above, and further in view of Wei (US 6,525,87 B2) cited by applicant.

Re claims 12 and 16: Roy does not disclose two different batteries and wherein at least one of the first and second pluralities of LEDs is connected to two different voltages in sequence. However, Wei teaches two different batteries (V1 and V2 in Fig. 3) and wherein at least one of the first and second pluralities of LEDs (41-43) is connected to two different voltages in sequence. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Roy's battery system to have two battery system as taught by Wei in order to provide two different driving voltages to the plurality of LEDs.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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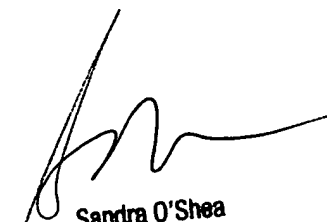
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY



Sandra O'Shea
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